

BOARD OF HEALTH
Glass Room: Bangs Community Center
Minutes

February 25, 2010

BOH Members: David Ahlfeld, Maria Bulzacchelli, Nancy Gilbert, David Kaufman

BOH Member Excused: Sandy Sulsky

Staff: Gary Courtemanche, Julie Federman, Pamela Field-Sadler

Other: Attorney D.J. Wilson, Tobacco Control Director/MMA, Alan Weiss, Cold Spring Environmental Consultants Inc., Diana Stein, Amherst Board of Selectmen Liaison, Kay Zlogar, Town Manager's Office and other visitors (see attached Sign In sheet.)

Meeting opened at 7:06 p.m.

I. Review & Receive

A. Meeting Minutes

1. Meeting Minutes from January 7, 2010 – **Approved as written**

II. New Business

A. Agricultural Commission – Farmer's Market

The Agricultural Commission has inquired how they might assist in coordination of the Farmer's Market to ensure smooth operation during the upcoming season. The Health Department will complete periodic routine inspections and work to simplify the process. Ms. Federman explained the Health Department will revisit the Farmer's Market Permit fee which was increased last year. Mr. Courtemanche explained the Amherst Master Plan includes language regarding a permanent facility for the Farmer's Market. The suggestion was made the Board of Health draft a letter to the Agricultural Commission supporting this concept.

III. Public Hearing: *Town of Amherst Regulation Prohibiting Smoking In Work Places and Public Places*

Motion: At 7:15 p.m., Ms. Gilbert made the motion, seconded by Ms. Bulzacchelli, to open the Public Hearing in order to receive public comment regarding the proposed amendments to the *Town of Amherst Regulation Prohibiting Smoking In Work Places and Public Places*.

Vote: Unanimous

Chairman Ahlfeld welcomed all in attendance; Board of Health (BOH) members, Health Department staff, and Attorney Wilson were introduced to the audience. Chairman Ahlfeld provided clarification of proposed amendment Section 3(g) noting this only applies to outdoor spaces where food and/or beverages are served to the public by an employee. Chairman Ahlfeld also explained the intended

structure of the Public Hearing: the role of the BOH will be to listen to public comments; a vote regarding the proposed regulation will not be taken during the Public Hearing; written public comments will be accepted until March 15, 2010. The BOH anticipates voting on the proposed amendments at their next meeting. The following public comments were shared by visitors:

- Businesses and event organizers should have the right to make determinations regarding smoking.
- The proposed regulation will discourage visitors to Town who are needed to support the local economy.
- People have a fundamental right to be on the common.
- The regulation is oppressing; it encourages petty policing, and is an infringement on Civil Liberties.
- People are not allowed to smoke inside; if smoking is banned outside, where can a smoker go?
- How do you discriminate between a registered and unregistered event?
- The responsibility for who pays the fine is unclear.
- How many times per day could an event be fined?
- Where will accrued fine money go?
- How will event planners inform attendees of the no smoking regulation?
- How will this regulation be enforced?
- The regulation would put unnecessary pressure on businesses and event organizers to provide enforcement.
- The Town is in tough budgetary times, where will the money come from to pay for enforcement? This is an unfunded mandate; there is no stipulation for any funding.
- The proposed regulation does not encourage new local business start up, or current local businesses to remain in Town.
- The economy is challenging for businesses; the proposed regulation alienates a group of people who come to Amherst and support local business.
- If an employer does not allow employees to serve patrons outside while someone is smoking, would an establishment be in violation?
- Some event organizers have a small expense budget; the responsibility to pay a fine could mean an event employee does not get paid.
- Some registered event organizers are non-profit; for some non-profit events, a portion of the funds raised is given back to the local community.
- Smokers will not comply with the proposed regulation.
- Some non-smokers are not discouraged from attending outdoor events because smoking is allowed.
- There is sufficient air flow outdoors to allow for smoke dissemination.
- Health risks surround us every day; the health risk is identical whether a person is on the common smoking or on the sidewalk next to the common smoking.
- Evidence (World Health Organization study) exists which supports smoking is a domestic issue and not a public issue.

- Smoking trends are on the decrease primarily due to the cost of smoking materials.
- Advocacy could be initiated to educate people of the dangers of smoking and second hand smoke.

Motion: At 8:10 p.m., Ms. Gilbert made the motion, seconded by Mr. Kaufman, to close the Public Hearing.

Vote: Unanimous

IV. New Business cont.

B. Well Construction Permit Application: 260 Leverett Road

Alan Weiss of Cold Spring Environmental in attendance.

The Board of Health (BOH) members reviewed an application for a Well Construction Permit submitted by Mr. Weiss for the property located at 260 Leverett Road and confirmed this application is to replace an inefficient drinking water well. Mr. Weiss explained the construction plan meets regulation requirements. Mr. Weiss also explained he does not foresee any drainage problems, and confirmed the underground storage tank is beyond the 10' requirement of Dig Safe. The deep aquifer location is best suited for the replacement well; shallow aquifer is more susceptible to bacteria. Mr. Courtemanche stated he does not see any problems with the submitted plan.

Motion: Ms. Gilbert made the motion, seconded by Ms. Bulzacchelli, to approve the Well Construction Permit application as submitted for a drinking water well on the property at 260 Leverett Road.

Vote: Unanimous

Mr. Weiss suggested the BOH consider the option of allowing the Sanitarian to sign-off on replacement Well Construction Permit applications. At times, well replacements are necessary due to an emergency and need to be addressed quickly.

V. Old Business

A. Tobacco Regulations

1. Follow-up from Public Hearing

The Board of Health (BOH) engaged in a follow-up discussion regarding the Public Hearing. The discussion included:

- Reconsideration of the inclusion of the Town Common.
- The word “legal” could be inserted in the definition for “Smoking” or “smoke” in Section 3.
- Replace the word “permission” with the word “approve” in the definition of “Registered Event” in Section 3.
- Consider eliminating smoking at Registered Events where children participate, as opposed to all Registered Events.
- Event organizers could be required to hang signage at events.
- A letter of opinion from the BOH could be published in the newspaper.

- Invitation for written public comment regarding the proposed amendments will be posted on the Town of Amherst website, as well as published in the *Daily Hampshire Gazette*.

VI. Health Director's Report

A. Assistant Sanitarian Position

The City of Northampton has contracted with the Town of Amherst for Inspectional Services. Beginning March 1, 2010, Assistant Sanitarian Javeria Mir will work 20 hours per week in Amherst and 20 hours per week in Northampton providing Inspectional Services. This is a first step in regionalization.

B. Incident Command Training

Ms. Federman and Ms. Zlogar completed a three day training in Incident Command System (ICS) Level 300. Ms. Federman will research the possibility of bringing an ICS trainer to Amherst for the Board of Health members and Health Department staff.

C. Amherst Housing Authority

Ms. Federman has been contacted by the Amherst Housing Authority. The Amherst Housing Authority is considering converting to smoke-free housing. Ms. Gilbert has been doing Smoking Disclosure research on line. Ms. Gilbert will send links to Maine Smoke-Free Housing webinars to Ms. Field-Sadler who will forward the information to the Board of Health members and Attorney Wilson.

VII. Schedule Next Board of Health Meeting/Agenda Closing Date

- A.** The next Board of Health meeting will be March 25, 2010.

Meeting Adjourned: 9:10 p.m.

Pamela Field-Sadler, Management Assistant

Approved: 3-25-10

